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10 Attorneys for Plaintiff
11 CRUMP INSURANCE SERVICES, INC.

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA

15 CRUMP INSURANCE SERVICES, INC.,

16 Plaintiff,

17 v.

18 MICHAEL P. MCGRATH, an individual,
19 ALL RISKS, LTD., a corporation, and
20 Does 1 through 50, inclusive,
21 Defendants.

Case No. C-07-4636 MMC

**DECLARATION OF DYLAN B. CARP IN
SUPPORT OF PLAINTIFF CRUMP
INSURANCE SERVICES, INC.'S
CONSOLIDATED REPLY**

Date: August 6, 2008
Time: 9:30 a.m.
Chief Magistrate Judge James Larson
Courtroom: F

22 I, Dylan B. Carp, declare:

23 1. I am an associate with Jackson Lewis LLP, the attorneys of record for Plaintiff
24 Crump Insurance Services, Inc. ("Crump"). I submit this Declaration in support of the
25 Consolidated Reply in Support of Plaintiff's Motion to Compel. I have personal knowledge of
26 the facts set forth below and, if called as a witness, could testify competently to them.

27 2. On June 10, 2008, I spoke with Defendants' counsel Kristin Williams on the
28 phone. Ms. Williams reiterated her position that she need not meet and confer further regarding
the requests at issue in this motion, and promised only to get back to me regarding whether any
disputes could be resolved on the ground that no responsive documents exist.

3. Attached as Exhibit A-D are true and correct copies of Defendants' Amended
Responses served July 11, 2008.

4. Attached as Exhibit E is a true and correct copy of documents Defendants

1 produced in un-redacted form on June 25, 2008.

2 5. Attached as Exhibit F is a true and correct copy of Defendants' Privilege Log
3 served June 25, 2008.

4 6. Attached as Exhibit G are true and correct excerpts of the transcript of the
5 deposition of Michael P. McGrath taken June 10, 2008.

6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct. Executed this 22nd day of July, 2008 at San Francisco, California.

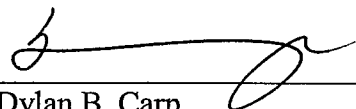
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11 _____
12 Dylan B. Carp
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EXHIBIT - A

CURIALE DELLAVERSON HIRSCHFELD & KRAEMER, LLP
ATTORNEYS AT LAW
SAN FRANCISCO

STEPHEN J. HIRSCHFELD (SBN 118068)
DONNA M. RUTTER (SBN 145704)
KRISTEN L. WILLIAMS (SBN 232644)
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Attorneys for Defendants
MICHAEL P. MCGRATH and ALL RISKS, LTD.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

CRUMP INSURANCE SERVICES, INC.,

Plaintiff,

vs.

MICHAEL P. MCGRATH, an individual,
ALL RISKS, LTD., a corporation, and
Does 1 through 50, inclusive,

Defendants.

Case No. C-07-4636 MMC

**DEFENDANT ALL RISKS, LTD'S
AMENDED RESPONSES TO
PLAINTIFF'S CRUMP INSURANCE'S
REQUEST FOR PRODUCTION OF
DOCUMENTS [F.R.C.P. 34]**

PROPOUNDING PARTY: Plaintiff, CRUMP INSURANCE SERVICES

RESPONDING PARTY: Defendant, ALL RISKS, LTD.

SET NUMBER: ONE (1)

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

Defendant All Risks, Ltd. ("Defendant" or "All Risks") hereby responds to Plaintiff Crump Insurance Services ("Plaintiff" or "Crump") Request for Production of Documents (Set One). The following responses and objections are made solely for the purposes of this action. Each response is subject to all objections as to competence, relevance, materiality, propriety, admissibility, and any and all other objections and grounds that would require the exclusion of any statement, if any statements contained herein were made by a witness present and testifying

1 in court, all of which objections and grounds are reserved and may be interposed at the time of
2 trial.

3 Defendant's discovery and investigation has proceeded with diligence but it is,
4 nevertheless, incomplete and continuing. Accordingly, the following responses represent
5 Defendant's current knowledge based on information reasonably available to it, and are as
6 complete as Defendant is now required by law and is able to give. The responses do not,
7 however, contain other facts which may be obtained through ongoing factual investigation,
8 review, analysis, discovery and trial preparation. To the extent these Requests may be construed
9 as requesting more detail, or to the extent Plaintiff contends Defendant's responses are inadequate
10 or incomplete, Defendant objects on the grounds that any further responses at this time would be
11 unduly burdensome, oppressive and require a degree of completeness not required by law.
12 Defendant reserves its right to present additional evidence at trial based on information
13 subsequently obtained or evaluated.

14 Except for explicit facts submitted herein, no incidental or implied admissions are
15 intended hereby. The fact that Defendant has answered or objected to any Request for Production
16 or part thereof should not be taken as an admission that Defendant accepts or admits the existence
17 of any facts set forth or assumed by such Request Production and that such answer or objection
18 constitutes admissible evidence. The fact that Defendant has answered part or all of any Request
19 for Production is not intended, and shall not be construed, to be a waiver by Defendant of all or
20 any part of any objection to any Request for Production.

21 To the extent that any or all of the Requests call for information or material which was
22 prepared in anticipation of litigation or for trial or for information or material covered by the
23 attorney-client privilege or attorney work-product doctrine or which constitutes information or
24 material which is privileged or related to confidential trade secrets or privacy (including freedom
25 of association and financial privacy), Defendant objects to each and every such Request for
26 Production and thus will not supply or render any information or material protected from
27 discovery by virtue of the work-product doctrine, the attorney-client privilege, or trade secret
28 and/or privacy privileges.

1 The above-stated objections are hereby made applicable to each and all of these Requests
 2 for Production and are hereby, as to each and all of them, incorporated by reference as if fully set
 3 forth therein.

4
 5 **REQUEST FOR PRODUCTION OF DOCUMENTS**

6 **REQUEST FOR PRODUCTION NO. 1:**

7 All documents and electronically stored information from January 1, 2007 through
 8 September 1, 2007, concerning or relating to Your hiring of Michael P. McGrath as an employee
 9 of All Risks, Ltd.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

11 Defendant objects to this request as overly broad. Defendant objects to this request as it
 12 seeks confidential, proprietary or trade secret information. Defendant further objects that this
 13 response seeks to violate constitutional, statutory, and/or common law privacy rights of third
 14 parties not party to this litigation. Subject to and without waiving the foregoing, Defendant
 15 responds as follows: Defendant will produce all documents responsive to this request in its
 16 possession, custody, or control that it deems are responsive to this request.

17 **REQUEST FOR PRODUCTION NO. 2:**

18 All documents and electronically stored information from January 1, 2007 through
 19 September 1, 2007, concerning or relating to clients or customers of Crump Insurance Services
 20 which You obtained following the termination of Michael P. McGrath's employment with Crump
 21 Insurance Services.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

23 Defendant objects to this request as overly broad. Defendant objects to this request as it
 24 seeks confidential, proprietary or trade secret information. Defendant objects to this request as
 25 vague and ambiguous as to the phrase "clients or customers of Crump Insurance Services" make a
 26 response impossible without speculation as to the true meaning of the phrase or whether
 27 Defendant is actually aware of Crump's clients or customers.

28 Subject to and without waiving the foregoing, Defendant responds as follows: As agreed

1 by counsel, Plaintiff will provide Defendant with a list of clients that Plaintiff believes Defendant
2 solicited from Crump. Once Defendant has received this list, to that extent that additional
3 responsive documents exist, Defendant will produce any Broker of Record letters received by All
4 Risks for accounts that McGrath handled while at Crump.

5 **REQUEST FOR PRODUCTION NO. 3:**

6 All documents and electronically stored information from January 1, 2007 through the
7 present, concerning or relating to solicitation of insurance business from any customers or clients
8 of Crump Insurance Services wherein You were provided information about that customer or
9 client from Michael P. McGrath.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

11 Defendant objects to this request as overly broad. Defendant further objects to this
12 request as it assumes facts not in evidence. Defendant objects to this request as it calls for a legal
13 conclusion and thereby seeks to violate the attorney-client and attorney work product privileges.
14 Defendant objects to this request as vague and ambiguous as to the phrase "clients or customers
15 of Crump Insurance Services" make a response impossible without speculation as to the true
16 meaning of the phrase or whether Defendant is actually aware of Crump's clients or customers.

17 **REQUEST FOR PRODUCTION NO. 4:**

18 All documents and electronically stored information from January 1, 2007 through the
19 present, concerning or relating to solicitation of employees of Crump Insurance Services to work
20 with All Risks, Ltd.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

22 Defendant objects to this request as overly broad. Defendant further objects to this
23 request as it assumes facts not in evidence. Defendant objects to this request as it calls for a legal
24 conclusion and thereby seeks to violate the attorney-client and attorney work product privileges.

25 **REQUEST FOR PRODUCTION NO. 5:**

26 All documents and electronically stored information from January 1, 2007 through
27 September 1, 2007, concerning or relating to obtaining Broker of Record letters designating All
28 Risks, Ltd. as a broker of record in place of Crump Insurance Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has produced all documents responsive to this request in its possession, custody or control that relate to clients of Michael McGrath.

REQUEST FOR PRODUCTION NO. 6:

All documents and electronically stored information from January 1, 2007 through September 1, 2007, concerning or relating to the dollar amount of business which You believed Michael P. McGrath could bring to All Risks, Ltd. if You were employed by You.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Defendant objects to this request is vague and ambiguous and unintelligible, specifically regarding the phrase "which You believed Michael P. McGrath could bring to All Risks, Ltd. if You were employed by You" making a response impossible without speculation as to the true meaning of the phrase. Defendant further objects to the request as it assumes facts not in evidence. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a diligent and does not have any documents responsive to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 7:

All documents and electronically stored information from January 1, 2007 through September 1, 2007, concerning or relating to the possible employment of Cindi Marty.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Defendant objects to this request as overly broad. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation.

REQUEST FOR PRODUCTION NO. 8:

All documents and electronically stored information from January 1, 2007 through September 1, 2007, concerning or relating to Menlo Equities LLC insurance business.

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RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it seeks confidential, proprietary or trade secret information.

REQUEST FOR PRODUCTION NO. 9:

All documents and electronically stored information from January 1, 2007 through September 1, 2007, concerning or relating to Alecta Real Estate USA LLC insurance business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it seeks confidential, proprietary or trade secret information.

REQUEST FOR PRODUCTION NO. 10:

All documents and electronically stored information from January 1, 2007 through September 1, 2007, concerning or relating to Jay & Carole Hagglund Trust Insurance business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it seeks confidential, proprietary or trade secret information.

REQUEST FOR PRODUCTION NO. 11:

All documents and electronically stored information from January 1, 2007 through September 1, 2007, concerning or relating to North First Street Properties insurance business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it seeks confidential,

1 proprietary or trade secret information.

2 **REQUEST FOR PRODUCTION NO. 12:**

3 All documents and electronically stored information from January 1, 2007 through
4 September 1, 2007, concerning or relating to Brandenburg Staedler & Moore insurance business.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

6 Defendant objects to this request as overly broad. Defendant objects to this request as it
7 seeks information that is neither relevant to this action nor reasonably calculated to lead to the
8 discovery of admissible evidence. Defendant objects to this request as it seeks confidential,
9 proprietary or trade secret information.

10 **REQUEST FOR PRODUCTION NO. 13:**

11 All documents which You contend support Your Second Affirmative Defense that the
12 causes of action set forth in the Complaint are barred, in whole or in part, by the doctrine of
13 waiver.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

15 Defendant objects to this request as overly broad. Defendant further objects to this
16 request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and
17 attorney work product privileges. Subject to and without waiving the foregoing, Defendant
18 responds as follows: Discovery is continuing and Defendant will produce any documents
19 responsive to this request in its possession, custody, or control.

20 **REQUEST FOR PRODUCTION NO. 14:**

21 All documents which You contend support Your Third Affirmative Defense that the
22 causes of action in the Complaint are barred, in whole or in part by the doctrine of estoppel.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

24 Defendant objects to this request as overly broad. Defendant further objects to this
25 request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and
26 attorney work product privileges. Subject to and without waiving the foregoing, Defendant
27 responds as follows: Discovery is continuing and Defendant will produce any documents
28 responsive to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 15:

All documents which You contend support Your Fourth Affirmative Defense that the causes of action in the Complaint are barred, in whole or in part by the doctrine of unclean hands.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Discovery is continuing and Defendant will produce any documents responsive to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 16:

All document which You contend support Your Fifth Affirmative Defense that the causes of action in the Complaint are barred, in whole or in part by the doctrine of laches.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Discovery is continuing and Defendant will produce any documents responsive to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 17:

All documents which You contend support Your Sixth Affirmative Defense that the causes of action in the Complaint are barred by the applicable statute of limitations.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Discovery is continuing and Defendant will produce any documents responsive to this request in its possession, custody, or control.

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1 **REQUEST FOR PRODUCTION NO. 18:**

2 All document which You contend support Your Seventh Affirmative Defense that the
3 causes of action in the Complaint are privileged by legitimate business necessity and/or other
4 reasons.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

6 Defendant objects to this request as overly broad. Defendant further objects to this
7 request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and
8 attorney work product privileges. Subject to and without waiving the foregoing, Defendant
9 responds as follows: Discovery is continuing and Defendant will produce any documents
10 responsive to this request in its possession, custody, or control.

11 **REQUEST FOR PRODUCTION NO. 19:**

12 All documents which You contend support Your Eighth Affirmative Defense that the
13 agreement alleged in the Complaint is void or voidable for lack of consideration.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

15 Defendant objects to this request as overly broad. Defendant further objects to this
16 request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and
17 attorney work product privileges. Subject to and without waiving the foregoing, Defendant
18 responds as follows: Discovery is continuing and Defendant will produce any documents
19 responsive to this request in its possession, custody, or control.

20 **REQUEST FOR PRODUCTION NO. 20:**

21 All documents which You contend support Your Ninth Affirmative Defense that the
22 agreement in the complaint is in illegal and/or contravention of public policy.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

24 Defendant objects to this request as overly broad. Defendant further objects to this
25 request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and
26 attorney work product privileges. Subject to and without waiving the foregoing, Defendant
27 responds as follows: Discovery is continuing and Defendant will produce any documents
28 responsive to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 21:

All documents which You contend support your Tenth Affirmative Defense that the agreement alleged in the Complaint is void under California Business & Professions Code section 16600.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Discovery is continuing and Defendant will produce any documents responsive to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 22:

All documents which You contend support Your Eleventh Affirmative Defense that the agreement alleged in the complaint fails because it is vague and ambiguous as to material terms.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Discovery is continuing and Defendant will produce any documents responsive to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 23:

All documents which You contend support Your Twelfth Affirmative Defense that the imposition of punitive or exemplary damages would violate of the Constitution of the United States of America and the State of California.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Discovery is continuing and Defendant will produce any documents

1 responsive to this request in its possession, custody, or control.

2 **REQUEST FOR PRODUCTION NO. 24:**

3 All documents which You contend support Your Thirteenth Affirmative Defense that the
4 defendants acted without malice and with a good faith belief in the propriety of their conduct.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

6 Defendant objects to this request as overly broad. Defendant further objects to this
7 request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and
8 attorney work product privileges. Subject to and without waiving the foregoing, Defendant
9 responds as follows: Discovery is continuing and Defendant will produce any documents
10 responsive to this request in its possession, custody, or control.

11 **REQUEST FOR PRODUCTION NO. 25:**

12 All documents and electronically stored information from January 1, 2007 through
13 September 1, 2007, concerning or relating to policy expiration dates of customers of Plaintiff.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

15 Defendant objects to this request as overly broad. Defendant objects to this request as it
16 seeks information that is neither relevant to this action nor reasonably calculated to lead to the
17 discovery of admissible evidence. Defendant further objects that this response seeks to violate
18 constitutional, statutory, and/or common law privacy rights of third parties not party to this
19 litigation. Subject to and without waiving the foregoing, Defendant responds as follows:
20 Defendant has performed a reasonable and diligent search and does not have any documents
21 responsive to this request in his possession, custody or control.

22 **REQUEST FOR PRODUCTION NO. 26:**

23 All documents and electronically stored information from January 1, 2007 through
24 September 1, 2007, concerning or relating to efforts made by You to obtain Cindi Marty as an
25 employee of All Risks, Ltd.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

27 Defendant objects to this request as overly broad. Defendant objects to this request as it
28 assumes facts not in evidence. Defendant objects to this request as it seeks information that is

neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation.

REQUEST FOR PRODUCTION NO. 27:

All documents and electronically stored information from January 1, 2007 through July 1, 2007, provided to You by Michael P. McGrath in order to obtain insurance business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Defendant objects to this request as overly broad. Defendant objects to this request as it assumes facts not in evidence. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 28:

Any and all list of customers of the Crump Insurance Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Defendant objects to this request as overly broad. Defendant objects to this request as it assumes facts not in evidence. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 29:

Any and all information provided to You by Michael P. McGrath related to the expiration of insurance for any customer of Crump Insurance Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29:

Defendant objects to this request as overly broad. Defendant objects to this request as it assumes facts not in evidence. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 30:

Any and all information provided to You by Michael P. McGrath related to the policies of

1 insurance for any customer of Crump Insurance Services.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

3 Defendant objects to this request as overly broad. Defendant objects to this request as it
4 assumes facts not in evidence. Subject to and without waiving the foregoing, Defendant responds
5 as follows: Defendant has performed a reasonable and diligent search and does not have any
6 documents responsive to this request in its possession, custody or control.

7 Dated: July 11, 2008

CURIALE DELLAVERSON HIRSCHFELD
& KRAEMER, LLP

8
9
10 By: Kristen L. Williams
11 Stephen J. Hirschfeld
12 Donna M. Rutter
13 Kristen L. Williams
14 Attorneys for Defendants
15 MICHAEL P. MCGRATH; ALL RISKS,
16 LTD.
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am a resident of the United States and a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 727 Sansome Street, San Francisco, California 94111. On July 11, 2008, I served the following document(s) by the method indicated below:

**DEFENDANT ALL RISKS, LTD'S RESPONSE TO PLAINTIFF'S
CRUMP INSURANCE'S REQUEST FOR PRODUCTION OF
DOCUMENTS [F.R.C.P. 34]**



by transmitting **via facsimile** on this date from fax number (415) 834-0443 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. Service by fax was made by agreement of the parties, confirmed in writing. The transmitting fax machine complies with Cal. R.Ct 2003(3).



by placing the document(s) listed above in a sealed envelope(s) with postage thereon fully prepaid, in the **United States mail** at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited in the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.



by sending the documents electronically through email to the address listed below.



(FEDERAL) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made.

Mark S. Askanas
Dylan B. Carp
Tara L. Riedley
JACKSON LEWIS LLP
199 Fremont Street, 10th Floor
San Francisco, CA 94105
Tel: (415) 394-9400
Fax: (415) 394-9401

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that I am employed by an officer of a member of the bar of this Court at whose direction the service was made. Executed on July 11, 2008 at San Francisco, California.

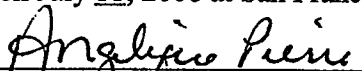

Angelique Pierre

EXHIBIT - B

CURIALE DELLAVERSON HIRSCHFELD & KRAEMER, LLP
ATTORNEYS AT LAW
SAN FRANCISCO

STEPHEN J. HIRSCHFELD (SBN 118068)
DONNA M. RUTTER (SBN 145704)
KRISTEN L. WILLIAMS (SBN 232644)
CURIALE DELLAVERSON HIRSCHFELD
& KRAEMER, LLP
727 Sansome Street
San Francisco, CA 94111
Telephone: (415) 835-9000
Facsimile: (415) 834-0443

Attorneys for Defendants
MICHAEL P. MCGRATH and ALL RISKS, LTD.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CRUMP INSURANCE SERVICES, INC.,

Plaintiff,

vs.

MICHAEL P. MCGRATH, an individual,
ALL RISKS, LTD., a corporation, and
Does 1 through 50, inclusive,

Defendants.

Case No. C-07-4636 MMC

**DEFENDANT ALL RISKS, LTD'S
AMENDED RESPONSES TO
PLAINTIFF'S CRUMP INSURANCE'S
REQUEST FOR PRODUCTION OF
DOCUMENTS [F.R.C.P. 34]**

PROPOUNDING PARTY: Plaintiff, CRUMP INSURANCE SERVICES

RESPONDING PARTY: Defendant, ALL RISKS, LTD.

SET NUMBER: TWO (2)

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

Defendant All Risks, Ltd. ("Defendant") hereby responds to Plaintiff Crump Insurance Services ("Plaintiff") Request for Production of Documents (Set Two). The following responses and objections are made solely for the purposes of this action. Each response is subject to all objections as to competence, relevance, materiality, propriety, admissibility, and any and all other objections and grounds that would require the exclusion of any statement, if any statements Contained herein were made by a witness present and testifying in court, all of which objections

1 and grounds are reserved and may be interposed at the time of trial.

2 Defendant's discovery and investigation has proceeded with diligence but it is,
3 nevertheless, incomplete and continuing. Accordingly, the following responses represent
4 Defendant's current knowledge based on information reasonably available to it, and are as
5 complete as Defendant is now required by law and is able to give. The responses do not,
6 however, contain other facts which may be obtained through ongoing factual investigation,
7 review, analysis, discovery and trial preparation. To the extent these Requests may be construed
8 as requesting more detail, or to the extent Plaintiff contends Defendant's responses are inadequate
9 or incomplete, Defendant objects on the grounds that any further responses at this time would be
10 unduly burdensome, oppressive and require a degree of completeness not required by law.
11 Defendant reserves its right to present additional evidence at trial based on information
12 subsequently obtained or evaluated.

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14 intended hereby. The fact that Defendant has answered or objected to any Request for Production
15 or part thereof should not be taken as an admission that Defendant accepts or admits the existence
16 of any facts set forth or assumed by such Request Production and that such answer or objection
17 constitutes admissible evidence. The fact that Defendant has answered part or all of any Request
18 for Production is not intended, and shall not be construed, to be a waiver by Defendant of all or
19 any part of any objection to any Request for Production.

20 To the extent that any or all of the Requests call for information or material which was
21 prepared in anticipation of litigation or for trial or for information or material covered by the
22 attorney-client privilege or attorney work-product doctrine or which constitutes information or
23 material which is privileged or related to confidential trade secrets or privacy (including freedom
24 of association and financial privacy), Defendant objects to each and every such Request for
25 Production and thus will not supply or render any information or material protected from
26 discovery by virtue of the work-product doctrine, the attorney-client privilege, or trade secret
27 and/or privacy privileges.

28 ///

1 The above-stated objections are hereby made applicable to each and all of these Requests
 2 for Production and are hereby, as to each and all of them, incorporated by reference as if fully set
 3 forth therein.

4
 5 **REQUEST FOR PRODUCTION OF DOCUMENTS**

6 **REQUEST FOR PRODUCTION NO. 31:**

7 All documents, communications, and electronic mail that announce Michael P. McGrath's
 8 change in employment to All Risks, Ltd.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

10 Defendant objects to this request as overly broad as to the time and scope. Defendant
 11 further objects that this response seeks to violate constitutional, statutory, and/or common law
 12 privacy rights of third parties not party to this litigation. Subject to and without waiving the
 13 foregoing, Defendant All Risks responds as follows: Defendant All Risks has produced all
 14 documents responsive to this request as they relate to announcements to all retailers in its
 15 possession, custody, or control that it deems are responsive to this request for the time period of
 16 McGrath's first month at All Risks (i.e. through the final business day of June 2007 – June 29th)
 17 on June 10, 2008 at the deposition of Mr. Cortezi.

18 **REQUEST FOR PRODUCTION NO. 32:**

19 All documents, communications, and electronic mail making an announcement to any
 20 person at Woodruff Sawyer & Company about Michael P. McGrath's business affiliation, which
 21 were made between May 1, 2007 and September 1, 2007.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

23 Defendant objects to this request as overly broad. Defendant objects to this request as it
 24 seeks confidential, proprietary or trade secret information. Defendant further object that this
 25 response seeks to violate constitutional, statutory, and/or common law privacy rights of third
 26 parties not party to this litigation. Subject to and without waiving the foregoing, Defendant All
 27 Risks responds as follows: Defendant All Risks has produced all documents responsive to this
 28 request in its possession, custody, or control that it deems are responsive to this request for the

1 time period of McGrath's first month at All Risks (i.e. through the final business day of June
2 2007 – June 29th) on June 10, 2008 at the deposition of Mr. Cortezi.

3 **REQUEST FOR PRODUCTION NO. 33:**

4 All documents, communications, and electronic mail making an announcement to any
5 person at HUB International about Michael P. McGrath's business affiliation, which were made
6 between May 1, 2007 and September 1, 2007.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

8 Defendant objects to this request as overly broad. Defendant objects to this request as it
9 seeks confidential, proprietary or trade secret information. Defendant further object that this
10 response seeks to violate constitutional, statutory, and/or common law privacy rights of third
11 parties not party to this litigation. Subject to and without waiving the foregoing, Defendant All
12 Risks responds as follows: Defendant All Risks has produced all documents responsive to this
13 request in its possession, custody, or control that it deems are responsive to this request for the
14 time period of McGrath's first month at All Risks (i.e. through the final business day of June
15 2007 – June 29th) on June 10, 2008 at the deposition of Mr. Cortezi.

16 **REQUEST FOR PRODUCTION NO. 34:**

17 All phone records of calls made or received by Michael P. McGrath from All Risks'
18 offices between June 4, 2007 and June 30, 2007.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

20 Defendant objects to this request as overly broad. Defendant objects to this request as it
21 seeks confidential, proprietary or trade secret information. Defendant further object that this
22 response seeks to violate constitutional, statutory, and/or common law privacy rights of third
23 parties not party to this litigation.

24 **REQUEST FOR PRODUCTION NO. 35:**

25 All documents, communications, electronic mail, and phone records that reflect
26 conversations between Michael P. McGrath and Cindy Marty from April 1, 2007 through June
27 30, 2007.

28 ///

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Defendant objects to this request as overly broad and unduly burdensome. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody, or control.

REQUEST FOR PRODUCTION NO. 36:

Any communications between Michael P. McGrath and Woodruff Sawyer & Company from June 3, 2007 through June 11, 2007.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

Defendant objects to this request as overly broad and unduly burdensome. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation.

REQUEST FOR PRODUCTION NO. 37:

Any communications between Michael P. McGrath and HUB International from June 3, 2007 through June 11, 2007.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Defendant objects to this request as overly broad and unduly burdensome. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation.

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REQUEST FOR PRODUCTION NO. 38:

All documents, communications and electronic mail referring or relating to YOUR seeking business from a former or current client or customer of Crump Insurance Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Defendant objects to this request as overly broad as time and scope and unduly burdensome. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as vague and ambiguous as to the phrase "seeking business from a former or current client or customer of Crump Insurance Services" making a response impossible without speculation as to the true meaning of the phrase or whether Defendant is actually aware of Crump's clients or customers. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation.

Dated: July 11, 2008

CURIALE DELLAVERSON HIRSCHFELD
& KRAEMER, LLP

By: Kristen L. Williams

Stephen J. Hirschfeld
Donna M. Rutter
Kristen L. Williams

Attorneys for Defendants
MICHAEL P. MCGRATH and ALL RISKS,
LTD.

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

3 I am a resident of the United States and a resident of the State of California, over the age
4 of eighteen years, and not a party to the within action. My business address is 727 Sansome
Street, San Francisco, California 94111. On July 11, 2008, I served the following document(s)
by the method indicated below:

5 **DEFENDANT MICHAEL P. MCGRATH'S RESPONSES TO**
6 **PLAINTIFF CRUMP INSURANCE'S REQUEST FOR**
7 **PRODUCTION, SET TWO[F.R.C.P. 34]**



9 by placing the document(s) listed above in a sealed envelope(s) with postage
thereon fully prepaid, in the **United States mail** at San Francisco, California
addressed as set forth below. I am readily familiar with the firm's practice of
collection and processing correspondence for mailing. Under that practice it would
be deposited in the U.S. Postal Service on that same day with postage thereon fully
prepaid in the ordinary course of business. I am aware that on motion of the party
served, service is presumed invalid if postal cancellation date or postage meter date
is more than one day after date of deposit for mailing in affidavit.



13 by placing the document(s) listed above in a sealed envelope(s) and by causing
messenger delivery of the envelope(s) to the person(s) at the address(es) set forth
below. I am readily familiar with the business practice of my place of employment
with respect to the collection and processing of correspondence, pleadings and
notices for hand delivery. On July 11, 2008, I caused to be served via messenger
the above-listed documents.



17 By sending the documents electronically through email to the address(es) set forth
below.



19 **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and
correct, and that I am employed at the office of a member of the bar of this Court at
whose direction the service was made.

20 Mark S. Askanas
21 Dylan B. Carp
22 Tara L. Riedley
23 JACKSON LEWIS LLP
24 199 Fremont Street, 10th Floor
San Francisco, CA 94105
Tel: (415) 394-9400
Fax: (415) 394-9401

25 I declare under penalty of perjury under the laws of the United States that the foregoing is
26 true and correct, and that I am employed by an officer of a member of the bar of this Court at
whose direction the service was made. Executed on July 11, 2008 at San Francisco, California.

27 
28 Angelique Pierre

EXHIBIT - C

CURIALE DELLAVERSON HIRSCHFELD & KRAEMER, LLP
ATTORNEYS AT LAW
SAN FRANCISCO

STEPHEN J. HIRSCHFELD (SBN 118068)
DONNA M. RUTTER (SBN 145704)
KRISTEN L. WILLIAMS (SBN 232644)
CURIALE DELLAVERSON HIRSCHFELD
& KRAEMER, LLP
727 Sansome Street
San Francisco, CA 94111
Telephone: (415) 835-9000
Facsimile: (415) 834-0443

Attorneys for Defendants
MICHAEL P. MCGRATH and ALL RISKS, LTD.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CRUMP INSURANCE SERVICES, INC.,

Plaintiff,

vs.

MICHAEL P. MCGRATH, an individual,
ALL RISKS, LTD., a corporation, and
Does 1 through 50, inclusive,

Defendants.

Case No. C-07-4636 MMC

**DEFENDANT MICHAEL P. MCGRATH'S
AMENDED RESPONSES TO PLAINTIFF
CRUMP INSURANCE'S REQUEST FOR
PRODUCTION OF DOCUMENTS, SET
TWO [F.R.C.P. 34]**

PROPOUNDING PARTY: Plaintiff, CRUMP INSURANCE SERVICES
RESPONDING PARTY: Defendant, MICHAEL MCGRATH
SET NUMBER: TWO (2)

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

Defendant Michael McGrath. ("Defendant") hereby responds to Plaintiff Crump Insurance Services ("Plaintiff") Request for Production of Documents (Set Two). The following responses and objections are made solely for the purposes of this action. Each response is subject to all objections as to competence, relevance, materiality, propriety, admissibility, and any and all other objections and grounds that would require the exclusion of any statement, if any statements contained herein were made by a witness present and testifying in court, all of which objections

1 and grounds are reserved and may be interposed at the time of trial.

2 Defendant's discovery and investigation has proceeded with diligence but it is,
3 nevertheless, incomplete and continuing. Accordingly, the following responses represent
4 Defendant's current knowledge based on information reasonably available to it, and are as
5 complete as Defendant is now required by law and is able to give. The responses do not,
6 however, contain other facts which may be obtained through ongoing factual investigation,
7 review, analysis, discovery and trial preparation. To the extent these Requests may be construed
8 as requesting more detail, or to the extent Plaintiff contends Defendant's responses are inadequate
9 or incomplete, Defendant objects on the grounds that any further responses at this time would be
10 unduly burdensome, oppressive and require a degree of completeness not required by law.
11 Defendant reserves its right to present additional evidence at trial based on information
12 subsequently obtained or evaluated.

13 Except for explicit facts submitted herein, no incidental or implied admissions are
14 intended hereby. The fact that Defendant has answered or objected to any Request for Production
15 or part thereof should not be taken as an admission that Defendant accepts or admits the existence
16 of any facts set forth or assumed by such Request Production and that such answer or objection
17 constitutes admissible evidence. The fact that Defendant has answered part or all of any Request
18 for Production is not intended, and shall not be construed, to be a waiver by Defendant of all or
19 any part of any objection to any Request for Production.

20 To the extent that any or all of the Requests call for information or material which was
21 prepared in anticipation of litigation or for trial or for information or material covered by the
22 attorney-client privilege or attorney work-product doctrine or which constitutes information or
23 material which is privileged or related to confidential trade secrets or privacy (including freedom
24 of association and financial privacy), Defendant objects to each and every such Request for
25 Production and thus will not supply or render any information or material protected from
26 discovery by virtue of the work-product doctrine, the attorney-client privilege, or trade secret
27 and/or privacy privileges.

28 ///

1 The above-stated objections are hereby made applicable to each and all of these Requests
 2 for Production and are hereby, as to each and all of them, incorporated by reference as if fully set
 3 forth therein.

4 **REQUEST FOR PRODUCTION**

5 **REQUEST FOR PRODUCTION NO. 39:**

6 All documents, communications, and electronic mail that announce YOUR change in
 7 employment to All Risks, Ltd.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

9 Defendant objects to this request as overly broad as to the time and scope. Defendant
 10 further objects that this response seeks to violate constitutional, statutory, and/or common law
 11 privacy rights of third parties not party to this litigation. Subject to and without waiving the
 12 foregoing, Defendant responds as follows: Defendant is informed and believes that Defendant
 13 All Risks has produced all documents responsive to this request as they relate to announcements
 14 to all retailers in its possession, custody, or control that it deems are responsive to this request for
 15 the time period of McGrath's first month at All Risks (i.e. through the final business day of June
 16 2007 – June 29th) on June 10, 2008 at the deposition of Mr. Cortezi.

17 **REQUEST FOR PRODUCTION NO. 40:**

18 All documents, communications, and electronic mail making an announcement to any
 19 person at Woodruff Sawyer & Company about YOUR business affiliation, which were made
 20 between May 1, 2007 and September 1, 2007.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

22 Defendant objects to this request as overly broad. Defendant objects to this request as it
 23 seeks confidential, proprietary or trade secret information. Defendant further object that this
 24 response seeks to violate constitutional, statutory, and/or common law privacy rights of third
 25 parties not party to this litigation. Subject to and without waiving the foregoing, Defendant
 26 responds as follows: Defendant is informed and believes that Defendant All Risks has produced
 27 all documents responsive to this request in its possession, custody, or control that it deems are
 28 responsive to this request for the time period of McGrath's first month at All Risks (i.e. through

1 the final business day of June 2007 – June 29th) on June 10, 2008 at the deposition of Mr. Cortezi.

2 **REQUEST FOR PRODUCTION NO. 41:**

3 All documents, communications, and electronic mail making an announcement to any
4 person at HUB International about YOUR business affiliation, which were made between May 1,
5 2007 and September 1, 2007.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

7 Defendant objects to this request as overly broad. Defendant objects to this request as it
8 seeks confidential, proprietary or trade secret information. Defendant further object that this
9 response seeks to violate constitutional, statutory, and/or common law privacy rights of third
10 parties not party to this litigation. Subject to and without waiving the foregoing, Defendant
11 responds as follows: Defendant is informed and believes that Defendant All Risks has produced
12 all documents responsive to this request in its possession, custody, or control that it deems are
13 responsive to this request for the time period of McGrath's first month at All Risks (i.e. through
14 the final business day of June 2007 – June 29th) on June 10, 2008 at the deposition of Mr. Cortezi.

15 **REQUEST FOR PRODUCTION NO. 42:**

16 All of YOUR phone records, personal and business, from April 1, 2007 through June 30,
17 2007, including your cellular phone records, hotel phone records, and residence phone records.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

19 Defendant objects to this request as overly broad. Defendant objects to this request as it
20 seeks confidential, proprietary or trade secret information. Defendant further object that this
21 response seeks to violate constitutional, statutory, and/or common law privacy rights of third
22 parties not party to this litigation. Defendant objects to this request as overly broad and unduly
23 burdensome. Defendant further objects that this response seeks to violate constitutional,
24 statutory, and/or common law privacy rights of third parties not party to this litigation. Subject to
25 and without waiving the foregoing, Defendant responds as follows: Defendant has performed a
26 reasonable and diligent search and does not have any documents responsive to this request in his
27 possession, custody, or control.

28 ///

REQUEST FOR PRODUCTION NO. 43:

All documents, communications, electronic mail, and phone records that reflect conversations between YOU and Cindy Marty from April 1, 2007 through June 30, 2007.

RESPONSE TO REQUEST FOR PRODUCTION NO. 43:

Defendant objects to this request as overly broad and unduly burdensome. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody, or control.

REQUEST FOR PRODUCTION NO. 44:

Any communications between YOU and Woodruff Sawyer & Company from June 3, 2007 through June 11, 2007.

RESPONSE TO REQUEST FOR PRODUCTION NO. 44:

Defendant objects to this request as overly broad and unduly burdensome. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation.

REQUEST FOR PRODUCTION NO. 45:

Any communications between YOU and HUB International from June 3, 2007 through June 11, 2007.

RESPONSE TO REQUEST FOR PRODUCTION NO. 45:

Defendant objects to this request as overly broad and unduly burdensome. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation.

REQUEST FOR PRODUCTION NO. 46:

All documents, communications, and electronic mail concerning YOUR seeking business from a former or current client or customer of Crump Insurance Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 46:

Defendant objects to this request as overly broad as time and scope and unduly burdensome. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as vague and ambiguous as to the phrase "seeking business from a former or current client or customer of Crump Insurance Services" making a response impossible without speculation as to the true meaning of the phrase or whether Defendant is actually aware of Crump's clients or customers. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation.

Dated: July 11, 2008

CURIALE DELLAVERSON HIRSCHFELD
& KRAEMER, LLP

By: Kristen L. Williams

Stephen J. Hirschfeld

Donna M. Rutter

Kristen L. Williams

Attorneys for Defendants

MICHAEL P. MCGRATH and ALL RISKS,
LTD.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am a resident of the United States and a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 727 Sansome Street, San Francisco, California 94111. On July 11, 2008, I served the following document(s) by the method indicated below:

**DEFENDANT ALL RISKS, LTD'S RESPONSE TO PLAINTIFF'S
CRUMP INSURANCE'S REQUEST FOR PRODUCTION OF
DOCUMENTS, SET TWO [F.R.C.P. 34]**



by transmitting via facsimile on this date from fax number (415) 834-0443 the document(s) listed above to the fax number(s) set forth below. The transmission was completed before 5:00 p.m. and was reported complete and without error. Service by fax was made by agreement of the parties, confirmed in writing. The transmitting fax machine complies with Cal. R.Ct 2003(3).



by placing the document(s) listed above in a sealed envelope(s) with postage thereon fully prepaid, in the **United States mail** at San Francisco, California addressed as set forth below. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited in the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.



by sending the documents electronically through email to the address listed below.



(FEDERAL) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made.

Mark S. Askanas
Dylan B. Carp
Tara L. Riedley
JACKSON LEWIS LLP
199 Fremont Street, 10th Floor
San Francisco, CA 94105
Tel: (415) 394-9400
Fax: (415) 394-9401

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that I am employed by an officer of a member of the bar of this Court at whose direction the service was made. Executed on July 11, 2008 at San Francisco, California.


Angelique Pierre

EXHIBIT - D

CURIALE DELLAVERSON HIRSCHFELD & KRAEMER, LLP
ATTORNEYS AT LAW
SAN FRANCISCO

STEPHEN J. HIRSCHFELD (SBN 118068)
DONNA M. RUTTER (SBN 145704)
KRISTEN L. WILLIAMS (SBN 232644)
CURIALE DELLAVERSON HIRSCHFELD
& KRAEMER, LLP
727 Sansome Street
San Francisco, CA 94111
Telephone: (415) 835-9000
Facsimile: (415) 834-0443

Attorneys for Defendants
MICHAEL P. MCGRATH and ALL RISKS, LTD.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

CRUMP INSURANCE SERVICES, INC.,

Plaintiff,

vs.

MICHAEL P. MCGRATH, an individual,
ALL RISKS, LTD., a corporation, and
Does 1 through 50, inclusive,

Defendants.

Case No. C-07-4636 MMC

**DEFENDANT MICHAEL P. MCGRATH'S
AMENDED RESPONSES TO PLAINTIFF
CRUMP INSURANCE'S REQUEST FOR
PRODUCTION OF DOCUMENTS AND TO
TEST AND SAMPLE COMPUTER(S)
[F.R.C.P. 34]**

PROPOUNDING PARTY: Plaintiff, CRUMP INSURANCE SERVICES

RESPONDING PARTY: Defendant, MICHAEL MCGRATH

SET NUMBER: ONE (1)

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

Defendant Michael McGrath. ("Defendant") hereby responds to Plaintiff Crump Insurance Services ("Plaintiff") Request for Production of Documents (Set One). The following responses and objections are made solely for the purposes of this action. Each response is subject to all objections as to competence, relevance, materiality, propriety, admissibility, and any and all other objections and grounds that would require the exclusion of any statement, if any statements

1 contained herein were made by a witness present and testifying in court, all of which objections
2 and grounds are reserved and may be interposed at the time of trial.

3 Defendant's discovery and investigation has proceeded with diligence but it is,
4 nevertheless, incomplete and continuing. Accordingly, the following responses represent
5 Defendant's current knowledge based on information reasonably available to it, and are as
6 complete as Defendant is now required by law and is able to give. The responses do not,
7 however, contain other facts which may be obtained through ongoing factual investigation,
8 review, analysis, discovery and trial preparation. To the extent these Requests may be construed
9 as requesting more detail, or to the extent Plaintiff contends Defendant's responses are inadequate
10 or incomplete, Defendant objects on the grounds that any further responses at this time would be
11 unduly burdensome, oppressive and require a degree of completeness not required by law.
12 Defendant reserves its right to present additional evidence at trial based on information
13 subsequently obtained or evaluated.

14 Except for explicit facts submitted herein, no incidental or implied admissions are
15 intended hereby. The fact that Defendant has answered or objected to any Request for Production
16 or part thereof should not be taken as an admission that Defendant accepts or admits the existence
17 of any facts set forth or assumed by such Request Production and that such answer or objection
18 constitutes admissible evidence. The fact that Defendant has answered part or all of any Request
19 for Production is not intended, and shall not be construed, to be a waiver by Defendant of all or
20 any part of any objection to any Request for Production.

21 To the extent that any or all of the Requests call for information or material which was
22 prepared in anticipation of litigation or for trial or for information or material covered by the
23 attorney-client privilege or attorney work-product doctrine or which constitutes information or
24 material which is privileged or related to confidential trade secrets or privacy (including freedom
25 of association and financial privacy), Defendant objects to each and every such Request for
26 Production and thus will not supply or render any information or material protected from
27 discovery by virtue of the work-product doctrine, the attorney-client privilege, or trade secret
28 and/or privacy privileges.

The above-stated objections are hereby made applicable to each and all of these Requests for Production and are hereby, as to each and all of them, incorporated by reference as if fully set forth therein.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Each computer which You utilized during any portion of the period of March 1, 2007 through July 1, 2007, for the purpose of testing and sampling it to obtain electronic copies of the below listed documents, including meta data related thereto.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Defendant objects to this request as overly broad. Defendant further objects to this request as burdensome and harassing as Plaintiff seeks the same information through Requests for Production Nos. 2-38. As such, Defendant incorporates by reference his objections to Requests for Production Nos. 2-38.

REQUEST FOR PRODUCTION NO. 2:

All documents and electronically stored information, from January 1, 2007 through September 1, 2007, concerning or relating to All Risks, Ltd.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody, or control for the time period of January 1, 2007 through June 3, 2007.

REQUEST FOR PRODUCTION NO. 3:

All documents and electronically stored information, from January 1, 2007 through

September 1, 2007, concerning or relating to Your obtaining employment with All risks, Ltd.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant will produce all responsive documents in his possession, custody or control to the extent documents have not previously been produced.

REQUEST FOR PRODUCTION NO. 4:

Your copy of the Memorandum of Agreement entered into between Michael McGrath and Crump Insurance Services dated June 7, 1996.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Defendant further objects that this request is burdensome and harassing as the documents sought are in the possession, custody, and control of Plaintiff. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request within his possession, custody or control.

REQUEST FOR PRODUCTION NO. 5:

Defendant objects that this request is burdensome and harassing as the documents sought are in the possession, custody, and control of Plaintiff. Your copy of all Amendments or Addendum to the Memorandum of Agreement entered into between Michael McGrath and Crump Insurance Services dated June 7, 1996.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 6:

Your copy of all Broker Compensation Agreements entered into between Michael McGrath and Crump Insurance Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

Defendant objects to this request as overly broad as to time and scope. Defendant further objects to this request as it seeks confidential, proprietary or trade secret information. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 7:

All documents and electronically stored information, from January 1, 2007 through September 1, 2007, concerning or relating to clients or customers of Crump Insurance Services which You retained or obtained following the termination of employment with the Crump Insurance Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

Defendant objects to this request as overly broad and that it assumes facts not in evidence. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 8:

All documents and electronically stored information, from January 1, 2007 through the present, concerning or relating to solicitation of insurance business from any customers or clients of Crump Insurance Services wherein You were seeking such business for All Risks, Ltd.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Defendant objects to this request as overly broad. Defendant further objects to this request as it assumes facts not in evidence. Defendant objects to this request as it calls for a legal conclusion as to "solicitation" and thereby seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody, or control.

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REQUEST FOR PRODUCTION NO. 9:

All documents and electronically stored information, from January 1, 2007 through the present, concerning or relating to solicitation of employees of Crump Insurance Services to work with All Risks, Ltd.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Defendant objects to this request as overly broad. Defendant further objects to this request as it assumes facts not in evidence. Defendant objects to this request as it calls for a legal conclusion as to "solicitation" and thereby seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody, or control.

REQUEST FOR PRODUCTION NO. 10:

All documents and electronically stored information, from January 1, 2007 through September 1, 2007, concerning or relating to obtaining Broker of Record letters designating All Risks, Ltd. as a broker of record in place of Crump Insurance Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Defendant objects to this request as overly broad and assumes facts that are not in evidence. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant will produce documents responsive to this request in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 11:

All documents and electronically stored information from January 1, 2007 through September 1, 2007, concerning or relating to the dollar amount of business which You believed Michael P. McGrath could bring to All Risks, Ltd. if You were employed by You.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Defendant objects to this request is vague and ambiguous and unintelligible, specifically regarding the phrase "which You believed Michael P. McGrath could bring to All Risks, Ltd. if

1 You were employed by You” making a response impossible without speculation as to the true
2 meaning of the phrase. Defendant further objects to the request as it assumes facts not in
3 evidence. Subject to and without waiving the foregoing, Defendant responds as follows:
4 Defendant has performed a reasonable and diligent search and does not have any documents
5 responsive to this request in his possession, custody or control.

6 **REQUEST FOR PRODUCTION NO. 12:**

7 All documents and electronically stored information from January 1, 2007 through
8 September 1, 2007, concerning or relating to the possible employment of Cindi Marty.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

10 Defendant objects to this request as overly broad and vague and ambiguous as to the
11 phrase “possible employment of Cindi Marti.” Defendant further objects that this response seeks
12 to violate constitutional, statutory, and/or common law privacy rights of third parties not party to
13 this litigation. Subject to and without waiving the foregoing, Defendant responds as follows:
14 Defendant has performed a reasonable and diligent search and does not have any documents
15 responsive to this request in his possession, custody or control.

16 **REQUEST FOR PRODUCTION NO. 13:**

17 All documents and electronically stored information from January 1, 2007 through
18 September 1, 2007, concerning or relating to Menlo Equities LLC insurance business.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

20 Defendant objects to this request as overly broad. Defendant objects to this request as it
21 seeks information that is neither relevant to this action nor reasonably calculated to lead to the
22 discovery of admissible evidence. Defendant objects to this request as it seeks confidential,
23 proprietary or trade secret information. Defendant further objects that this response seeks to
24 violate constitutional, statutory, and/or common law privacy rights of third parties not party to
25 this litigation.

26 **REQUEST FOR PRODUCTION NO. 14:**

27 All documents and electronically stored information from January 1, 2007 through
28 September 1, 2007, concerning or relating to Alecta Real Estate USA LLC insurance business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation.

REQUEST FOR PRODUCTION NO. 15:

All documents and electronically stored information from January 1, 2007 through September 1, 2007, concerning or relating to Jay & Carole Hagglund Trust Insurance business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation.

REQUEST FOR PRODUCTION NO. 16:

All documents and electronically stored information from January 1, 2007 through September 1, 2007, concerning or relating to North First Street Properties insurance business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation.

////

REQUEST FOR PRODUCTION NO. 17:

All documents and electronically stored information from January 1, 2007 through September 1, 2007, concerning or relating to Brandenburg Staedler & Moore insurance business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Defendant further objects that this response seeks to violate constitutional, statutory, and/or common law privacy rights of third parties not party to this litigation.

REQUEST FOR PRODUCTION NO. 18:

The document which You contend constitute Your notice to plaintiff that You were ceasing Your employ with plaintiff.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18:

Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this request as the documents sought are equally within the control of Plaintiff. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has conducted a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 19:

All documents which You contend support Your Second Affirmative Defense that the causes of action set forth in the Complaint are barred, in whole or in part, by the doctrine of waiver.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant

1 responds as follows: Discovery is continuing and Defendant will produce any documents
2 responsive to this request in its possession, custody, or control.

3 **REQUEST FOR PRODUCTION NO. 20:**

4 All documents which You contend support Your Third Affirmative Defense that the
5 causes of action in the Complaint are barred, in whole or in part by the doctrine of estoppel.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

7 Defendant objects to this request as overly broad. Defendant further objects to this
8 request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and
9 attorney work product privileges. Subject to and without waiving the foregoing, Defendant
10 responds as follows: Discovery is continuing and Defendant will produce any documents
11 responsive to this request in its possession, custody, or control.

12 **REQUEST FOR PRODUCTION NO. 21:**

13 All documents which You contend support Your Fourth Affirmative Defense that the
14 causes of action in the Complaint are barred, in whole or in part by the doctrine of unclean hands.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

16 Defendant objects to this request as overly broad. Defendant further objects to this
17 request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and
18 attorney work product privileges. Subject to and without waiving the foregoing, Defendant
19 responds as follows: Discovery is continuing and Defendant will produce any documents
20 responsive to this request in its possession, custody, or control.

21 **REQUEST FOR PRODUCTION NO. 22:**

22 All documents which You contend support Your Fifth Affirmative Defense that the causes
23 of action in the Complaint are barred, in whole or in part by the doctrine of laches.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

25 Defendant objects to this request as overly broad. Defendant further objects to this
26 request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and
27 attorney work product privileges. Subject to and without waiving the foregoing, Defendant
28 responds as follows: Discovery is continuing and Defendant will produce any documents

responsive to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 23:

All documents which You contend support Your Sixth Affirmative Defense that the causes of action in the Complaint are barred by the applicable statute of limitations.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Discovery is continuing and Defendant will produce any documents responsive to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 24:

All documents which You contend support Your Seventh Affirmative Defense that the causes of action in the Complaint are privileged by legitimate business necessity and/or other reasons.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Discovery is continuing and Defendant will produce any documents responsive to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 25:

All documents which You contend support Your Eighth Affirmative Defense that the agreement alleged in the Complaint is void or voidable for lack of consideration.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Discovery is continuing and Defendant will produce any documents

responsive to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 26:

All documents which You contend support Your Ninth Affirmative Defense that the agreement in the complaint is in illegal and/or contravention of public policy.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Discovery is continuing and Defendant will produce any documents responsive to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 27:

All documents which You contend support your Tenth Affirmative Defense that the agreement alleged in the Complaint is void under California Business & Professions Code section 16600.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Discovery is continuing and Defendant will produce any documents responsive to this request in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 28:

All documents which You contend support Your Eleventh Affirmative Defense that the agreement alleged in the complaint fails because it is vague and ambiguous as to material terms.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and attorney work product privileges. Subject to and without waiving the foregoing, Defendant responds as follows: Discovery is continuing and Defendant will produce any documents

1 responsive to this request in its possession, custody, or control.

2 **REQUEST FOR PRODUCTION NO. 29:**

3 All documents which You contend support Your Twelfth Affirmative Defense that the
4 imposition of punitive or exemplary damages would violate of the Constitution of the United
5 States of America and the State of California.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

7 Defendant objects to this request as overly broad. Defendant further objects to this
8 request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and
9 attorney work product privileges. Subject to and without waiving the foregoing, Defendant
10 responds as follows: Discovery is continuing and Defendant will produce any documents
11 responsive to this request in its possession, custody, or control.

12 **REQUEST FOR PRODUCTION NO. 30:**

13 All documents which You contend support Your Thirteenth Affirmative Defense that the
14 defendants acted without malice and with a good faith belief in the propriety of their conduct.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

16 Defendant objects to this request as overly broad. Defendant further objects to this
17 request as it calls for a legal conclusion and therefore seeks to violate the attorney-client and
18 attorney work product privileges. Subject to and without waiving the foregoing, Defendant
19 responds as follows: Discovery is continuing and Defendant will produce any documents
20 responsive to this request in its possession, custody, or control.

21 **REQUEST FOR PRODUCTION NO. 31:**

22 All documents and electronically stored information from January 1, 2007 through
23 September 1, 2007, concerning or relating to policy expiration dates of customers of Plaintiff.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

25 Defendant objects to this request as overly broad. Defendant objects to this request as it
26 seeks information that is neither relevant to this action nor reasonably calculated to lead to the
27 discovery of admissible evidence. Defendant further objects that this request is burdensome and
28 harassing as the documents sought are in the possession, custody, and control of Plaintiff.

1 Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has
2 performed a reasonable and diligent search and does not have any documents responsive to this
3 request in his possession, custody or control.

4 **REQUEST FOR PRODUCTION NO. 32:**

5 All documents and electronically stored information from January 1, 2007 through
6 September 1, 2007, concerning or relating to the names of customers of Plaintiff.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

8 Defendant objects to this request as overly broad. Defendant objects to this request as it
9 seeks information that is neither relevant to this action nor reasonably calculated to lead to the
10 discovery of admissible evidence. Defendant further objects that this request is burdensome and
11 harassing as the documents sought are in the possession, custody, and control of Plaintiff.

12 Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has
13 performed a reasonable and diligent search and does not have any documents responsive to this
14 request in his possession, custody or control.

15 **REQUEST FOR PRODUCTION NO. 33:**

16 All documents and electronically stored information from January 1, 2007 through
17 September 1, 2007, concerning or relating to the policy terms, conditions and rates provided to
18 various customers of the Plaintiff.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

20 Defendant objects to this request as overly broad. Defendant objects to this request as it
21 seeks information that is neither relevant to this action nor reasonably calculated to lead to the
22 discovery of admissible evidence. Defendant further objects to this request as vague and
23 ambiguous in terms of who provided the information. Subject to and without waiving the
24 foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent
25 search and does not have any documents responsive to this request in his possession, custody or
26 control

27 **REQUEST FOR PRODUCTION NO. 34:**

28 All documents and electronically stored information from January 1, 2007 through

September 1, 2007, originating with Plaintiff or from Plaintiff's information, and provided by You to All Risks, Ltd.

RESPONSE TO REQUEST FOR PRODUCTION NO. 34:

Defendant objects to this request as overly broad. Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it assumes facts not in evidence. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 35:

All documents and electronically stored information from January 1, 2007 through September 1, 2007, concerning or relating to the reason or reasons why You failed to provide a minimum of 15 days prior to written notice to Plaintiff of Your intention to terminate employment with Plaintiff.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Defendant objects to this request as it seeks information that is neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Defendant objects to this request as it assumes facts not in evidence. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 36:

All documents and electronically stored information from January 1, 2007 through September 1, 2007, concerning or relating to efforts made by You to solicit Cindi Marty to become an employee of All Risks, Ltd.

RESPONSE TO REQUEST FOR PRODUCTION NO. 36:

Defendant objects to this request as overly broad. Defendant further objects to this request as it calls for a legal conclusion as to "solicitation" and therefore seeks to violate the

attorney-client and attorney work product privileges. Defendant objects to this request as it assumes facts not in evidence. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 37:

All documents and electronically stored information from January 1, 2007 through July 1, 2007, provided by You to All Risks, Ltd. in order to assist it to obtain insurance business.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Defendant objects to this request as overly broad. Defendant further objects to this request as vague and ambiguous as to the phrase "in order to assist it to obtain insurance business" making a response impossible without speculation as to the true meaning of the phrase. Defendant objects to this request as it assumes facts not in evidence. Defendant objects to this request as it seeks confidential, proprietary or trade secret information. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody or control.

REQUEST FOR PRODUCTION NO. 38:

Any and all list of customers of the Crump Insurance Services.

RESPONSE TO REQUEST FOR PRODUCTION NO. 38:

Defendant objects to this request as overly broad and vague and ambiguous as to time. Defendant objects to this request as it assumes facts not in evidence. Subject to and without waiving the foregoing, Defendant responds as follows: Defendant has performed a reasonable and diligent search and does not have any documents responsive to this request in his possession, custody or control.

///

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///

1 Dated: July 11, 2008

CURIALE DELLAVERSON HIRSCHFELD
& KRAEMER, LLP

2
3 By: Kristen L. Williams

4 Stephen J. Hirschfeld

5 Donna M. Rutter

Kristen L. Williams

6 Attorneys for Defendants

7 MICHAEL P. MCGRATH; ALL RISKS,
8 LTD.

CURIALE DELLAVERSON HIRSCHFELD & KRAEMER, LLP
ATTORNEYS AT LAW
SAN FRANCISCO

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

3 I am a resident of the United States and a resident of the State of California, over the age
4 of eighteen years, and not a party to the within action. My business address is 727 Sansome
5 Street, San Francisco, California 94111. On July 11, 2008, I served the following document(s)
6 by the method indicated below:

7 **DEFENDANT MICHAEL P. MCGRATH'S RESPONSES TO**
8 **PLAINTIFF CRUMP INSURANCE'S REQUEST FOR**
9 **PRODUCTION OF DOCUMENTS AND TO TEST AND SAMPLE**
10 **COMPUTER(S) [F.R.C.P. 34]**



12 by placing the document(s) listed above in a sealed envelope(s) with postage
13 thereon fully prepaid, in the **United States mail** at San Francisco, California
14 addressed as set forth below. I am readily familiar with the firm's practice of
15 collection and processing correspondence for mailing. Under that practice it would
16 be deposited in the U.S. Postal Service on that same day with postage thereon fully
17 prepaid in the ordinary course of business. I am aware that on motion of the party
18 served, service is presumed invalid if postal cancellation date or postage meter date
19 is more than one day after date of deposit for mailing in affidavit.



21 by placing the document(s) listed above in a sealed envelope(s) and by causing
22 **messenger delivery** of the envelope(s) to the person(s) at the address(es) set forth
23 below. I am readily familiar with the business practice of my place of employment
24 with respect to the collection and processing of correspondence, pleadings and
25 notices for hand delivery. On July 11, 2008, I caused to be served via messenger
26 the above-listed documents.



28 By sending the documents electronically through email to the address(es) set forth
below.



(FEDERAL) I declare under penalty of perjury that the foregoing is true and
correct, and that I am employed at the office of a member of the bar of this Court at
whose direction the service was made.

Mark S. Askanas
Dylan B. Carp
Tara L. Riedley
JACKSON LEWIS LLP
199 Fremont Street, 10th Floor
San Francisco, CA 94105
Tel: (415) 394-9400
Fax: (415) 394-9401

I declare under penalty of perjury under the laws of the United States that the foregoing is
true and correct, and that I am employed by an officer of a member of the bar of this Court at
whose direction the service was made. Executed on July 11, 2008 at San Francisco, California.

Angelique Pierre
Angelique Pierre

EXHIBIT - E

Page 1 of 2

NC-6-5-07

From: Nick Cortez
Sent: Tuesday, May 22, 2007 12:27 PM
To: Matt Nichols
Subject: FW:

FYI- will discuss when I return. nick

Nick Cortez
CEO
All Risks, Ltd.
10150 York Road, 5th Floor
Brent Valley, MD 21030
Phone- 410-828-5810 ext. 3013
Fax- 410-828-8179
ncortez@allrisks.com

From: Michael McGrath [mailto:mcmgrath.m@sbcglobal.net]
Sent: Tuesday, May 22, 2007 11:45 AM
To: Nick Cortez
Subject: RE:

Nick:
Thought it would easier to see in writing what we would be talking about for us to consider a move.
Thanks again for dinner; we both had a good time.

As mentioned earlier we are set and comfortable for a min of 5-6 years based on acquisition of Bysis and overall plan for JC Flowers. Our main point besides salary is a commitment for 6 years. Based on our revenue projections for this year and next we would need the following:

6 Year Deal

Mike-Redacted min

Cyndi-Redacted min

Sign on Bonus-Redacted (combined) of which-Redacted is my deferred compensation plan and shares of JC Flowers. We would also like to see the compensation plan as the above mentioned salaries are minimum (we fully expect to hit our bonus plan.)

****also have the usual parking, gas, and club dues (Golf) picked up on expense account. ****

Does not make sense for us to move anywhere if the years and salaries are not guaranteed.

Couple of thoughts on paper.....

Regards,

Mike

12/4/2007

ALL000014

25-06-08 05:45pm From: CURIALE DELLAVERSON, et al.

+415 834 0443

T-080

P.007/013

F-683

Page 2 of 2

Nick Cortez <NCORTEZI@allrisks.com> wrote:

Looking forward to dinner- would you let me know Cyndi's total comp numbers so that I can work them into the equation?

Thanks,

Nick

Nick Cortez

CEO

All Risks, Ltd.

10150 York Road, 5th Floor

Hunt Valley, MD 21030

Phone- 410-828-5810 ext. 3013

Fax- 410-828-8179

ncortez@allrisks.com

From: Michael McGrath (mailto:mcmgrath.m@sbcglobal.net)

Sent: Monday, May 07, 2007 2:52 PM

To: Nick Cortez

Subject:

Nick:

Good to go with Cyndi on the 16th at Cosmo's -fish.

Couple of items

Years-5 year firm/6 preferred(my own comfort)

If bought out I can cash out (paid in full)

Deferred compensation(you have the amount and shares of current company**need to consider**

Not interested in taking a cut in pay. The latter amount suggested is min. on our conversation.

Some things to look forward too. If does not look good then no problem. Let me know so we are not sitting at the table by ourselves.

Need to look into Cyndi and guarantee for min of 3 yr. Salary plus bonus.

Otherwise will not be interested.

Michael McGrath

Executive Vice President

Crump Insurance Services - San Francisco

415-587-2308(direct)

415-986-4553(Fax)

This email is intended for the addressee shown. It contains information that is confidential and protected from disclosure. Any dissemination or use of this transmission or its contents by unintended persons is strictly prohibited. If this email relates to placement of coverage through All Risks, please note that no coverage will be bound and no changes without a written "Confirmation of Insurance", Binder, Endorsement or Reinstatement from our office. Coverage cannot be assumed if you do not receive one of the aforementioned notices.

12/4/2007

ALL000015

EXHIBIT - F

Defendants' Privilege Log

Bates Range Start	Bates Range End	Document Type	Subject	Author	Recipient	Cc	Document Date	Privilege / Confidentiality / Privacy	Page Count	Location
PRIVALL00001	PRIVALL00002	Email string	McGrath Agreement / follow-up	Cortez, Nick	Andrews, Phillip (Kramon & Graham, PA)	Nichols, Matt; Lassen, Jack; Brown, George (Kramon & Graham, PA); Khanna, Roma (Kramon & Graham, PA)	5/26/2007	Attorney-Client	2	Defense counsel's office
PRIVALL00003	PRIVALL00004	Email string	McGrath Agreement / follow-up	Cortez, Nick	Brown, George (Kramon & Graham, PA); Khanna, Roma (Kramon & Graham, PA)	Nichols, Matt; Lassen, Jack; Andrews, Phillip (Kramon & Graham, PA); Cortez, Nick	5/29/2007	Attorney-Client	2	Defense counsel's office
PRIVALL00005	PRIVALL00007	Email string	McGrath Agreement / follow-up	Nichols, Matt	Andrews, Phillip (Kramon & Graham, PA); Cortez, Nick	Lassen, Jack; Khanna, Roma (Kramon & Graham, PA); Brown, George; (Kramon & Graham, PA)	5/30/2007	Attorney-Client	3	Defense counsel's office
PRIVALL00008	PRIVALL00008	Email string	Cyndi's Agreement	Cortez, Nick	McGrath, Michael	Andrews, Phillip (Kramon & Graham, PA); Nichols, Matt; Cortez, Nick	5/30/2007	Attorney-Client	1	Defense counsel's office
PRIVALL00009	PRIVALL00010	Email string	Michael McGrath; Property Practice Compensation Agreement	Khanna, Roma (Kramon & Graham, PA)			Undated	Attorney-Client	2	Defense counsel's office
PRIVALL00011	PRIVALL00011	Email	Michael McGrath; Property Practice Compensation Agreement	Brown, George (Kramon & Graham, PA)			Undated	Attorney-Client	1	Defense counsel's office
PRIVALL00012	PRIVALL00013	Email string	Michael McGrath	Cortez, Nick	Nichols, Matt; Lassen, Jack	Brown, George (Kramon & Graham, PA)	5/31/2007	Attorney-Client & Work Product	2	Defense counsel's office

Defendants' Privilege Log
Crump Insurance v. All Risks, Ltd. Michael McGrath,
 USDC (N. Cal) CASE No. C-07-4636 MMG

Bates Range Start	Bates Range End	Document Type	Subject	Author	Recipient	Cc	Document Date	Privilege / Confidentiality / Privacy	Page Count	Location
PRIVALL00014	PRIVALL00015	Email string	Michael McGrath	Lassen, Jack	Nichols, Matt; Cortez, Nick	Brown, George (Kramon & Graham, PA)	5/31/2007	Attorney-Client & Work Product	2	Defense counsel's office
PRIVALL00016	PRIVALL00017	Email string	Michael McGrath	Cortez, Nick	Nichols, Matt; Lassen, Jack	Brown, George (Kramon & Graham, PA)	5/31/2007	Attorney-Client & Work Product	2	Defense counsel's office
PRIVALL00018	PRIVALL00019	Email string	Michael McGrath	Nichols, Matt	Cortez, Nick; Lassen, Jack	Brown, George (Kramon & Graham, PA)	5/31/2007	Attorney-Client & Work Product	2	Defense counsel's office
PRIVALL00020	PRIVALL00021	Email string	Michael McGrath	Nichols, Matt	Cortez, Nick; Lassen, Jack	Brown, George (Kramon & Graham, PA)	5/31/2007	Attorney-Client & Work Product	2	Defense counsel's office
PRIVALL00022	PRIVALL00023	Email string	Final McGrath Agreement	Khanna, Roma (Kramon & Graham, PA)	Lassen, Jack; Nichols, Matt	Andrews, Phillip (Kramon & Graham, PA); Brown, George (Kramon & Graham, PA)	6/1/2007	Attorney-Client & Work Product	2	Defense counsel's office
PRIVALL00024	PRIVALL00025	Email string	Michael McGrath; Property Practice Compensation Agreement	Khanna, Roma (Kramon & Graham, PA)	Cortez, Nick; Nichols, Matt; Lassen, Jack	Andrews, Phillip (Kramon & Graham, PA); Brown, George (Kramon & Graham, PA)	5/31/2007	Attorney-Client & Work Product	2	Defense counsel's office
PRIVALL00026	PRIVALL00028	Email string	Final McGrath Agreement	Cortez, Nick	Golins, Li Ma; Lassen, Jack	Brown, George (Kramon & Graham, PA); Khanna, Roma (Kramon & Graham, PA); Andrews, Phillip (Kramon & Graham, PA)	6/4/2007	Attorney-Client & Work Product	1	Defense counsel's office

Defendants' Privilege Log
Crump Insurance v. All Risks, Ltd. Michael McGrath,
 USDC (N. Cal) CASE No. C-07-4636 MMC

Bates Range Start	Bates Range End	Document Type	Subject	Author	Recipient	Cc	Document Date	Privilege / Confidentiality / Privacy	Page Count	Location
PRIVALL00027	PRIVALL00027	Email string	Agreement	Brown, George (Kramon & Graham, PA)	Cortezi, Nick	Nichols, Matt; Lassen, Jack; Andrews, Phillip (Kramon & Graham, PA)	5/31/2007	Attorney-Client & Work Product; Confidential Proprietary Information / Privacy Rights	1	Defense counsel's office
PRIVALL00028	PRIVALL00028	Email string	Cyndi's Agreement	Cortezi, Nick	McGrath, Michael	Andrews, Phillip (Kramon & Graham, PA); Nichols, Matt; Cortezi, Nick	5/31/2007	Attorney-Client; Confidential Proprietary Information / Privacy Rights	1	Defense counsel's office
PRIVALL00029	PRIVALL00029	Email string	Cyndi Agreement	Cortezi, Nick	Andrews, Phillip (Kramon & Graham, PA); Brown, George (Kramon & Graham, PA)	Nichols, Matt; Lassen, Jack; McGrath, Michael	5/31/2007	Attorney-Client; Confidential Proprietary Information / Privacy Rights	1	Defense counsel's office

EXHIBIT - G

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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CERTIFIED COPY

JG Jane GROSSMAN
RS REPORTING Services

CRUMP INSURANCE SERVICES,
INC.,

Plaintiff,

vs.

No. C-07-4636 MMC

MICHAEL P. McGRATH, an
individual, ALL RISKS, LTD.,
a corporation, and Does 1
through 50, inclusive,

Defendants.

DEPOSITION OF MICHAEL P. McGRATH

Volume II

(Pages 200 through 274)

June 10, 2008

Taken before JANE GROSSMAN

CSR No. 5225

JANE GROSSMAN REPORTING SERVICES
Certified Shorthand Reporters
1939 Harrison Street, Suite 460
Oakland, California 94612
(510) 444-4500

1 A. No.

2 Q. Your testimony is that you did not assist in
3 negotiating a compensation package for Cynthia Marty, is
4 that correct --

5 A. Yes.

6 Q. -- at All Risks?

7 A. Yes.

8 Q. Did you give input to Nick Cortezi or anyone
9 else at All Risks as to what it would take to entice
10 Cynthia Marty to join All Risks?

11 A. No.

12 Q. Did you give them any suggestions
13 whatsoever --

14 A. No.

15 Q. -- whether the money that they were thinking
16 about putting on the table was sufficient?

17 A. No.

18 Q. Or whether the length of any employment
19 agreement would be sufficient?

20 A. After -- the length of the employment
21 agreement did come up after Cyndi had spoken to Nick.

22 Q. And did you give input on that?

23 A. To All Risks?

24 Q. Yes.

25 A. Yes.